

REMARKS

Overview

Claims 10 and 12-19 are canceled.

Claims 1-9 and 11 are amended herein.

Argument

In the Office Action mailed August 20, 2004, the Examiner rejected Claims 1-19 under the judicially created doctrine of obviousness-type double patenting. The Examiner rejected Claims 1-6, 8-14, and 16-19 under 35 U.S.C. 102(b) as being anticipated by Brown. The Examiner also rejected Claims 7 and 15 under 35 U.S.C. 103(a) as being unpatentable over Brown.

Further, the Examiner rejected Claims 1, 2, 10 and 12 as having an insufficient antecedent basis, and the Examiner objected to Claims 10 and 18 as not being in proper dependent form. Applicants have canceled Claims 10 and 12-19 and amended independent Claim 1, and dependent Claims 2-9 and 11, and believe that the pending claims are in condition for allowance.

Claims 1-19 were rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-21 of U.S. Patent No. 6,149,155 (which is owned by the applicants/owners of the present application). A terminal disclaimer will be submitted to overcome the double patenting rejection upon an indication of allowability of the pending claims.

Brown discloses a deck of cards containing 52 cards, each one depicting one-quarter of a picture of an animal, a common letter of the alphabet, a common numeral, and an individual card suit symbol. When four cards are correctly placed together a picture of an animal is formed. Brown does not teach or suggest a deck of playing cards containing an indication of location on the card, nor does Brown disclose a method of game play in which different values are assigned

to the combinations of the cards. The Examiner's statement that a portion of the picture of an animal (shown as numeral 11) is the same as the indication of location 26 in the present invention is incorrect. The picture of the animal 11 disclosed in Brown does not act as an indicator of location, but instead is used to create a complete picture when all of the remaining cards are collected, similar to the numerous suits shown in the center of a standard playing card. Brown does not disclose any cards that are similar to each other (with the exception of an indication of location), as claimed in the present invention.

Further, Brown does not disclose playing cards that, when placed in combination with another card, creates a combination that is similar to a standard playing card; instead the combination of four cards creates a picture of an animal. Brown also does not disclose combining cards that have the same quantity, but different suit — as the present invention claims.

The present invention is a method of game play using a deck of playing cards made up of 104 cards, divided into four different suit types, containing 26 cards in each suit numbered either 2 through 10, or containing the letters A, K, Q, or J. In order to account for the 26 different cards in each suit, the deck contains two of each card (both cards containing the same number or quantity, and same suit). Because these two cards are similar, each of the cards contains an indication of location. Thus, the similar cards can be distinguished by their different indications of location, i.e., one for the top card portion and one for the bottom card portion. None of the prior art discloses a similar set of cards. The top and bottom card portions are configured such that, when the corresponding top and bottom cards are placed adjacent to each other, a single card is created similar to those found in a standard deck of cards, however the newly created card is approximately twice the size of the standard card.

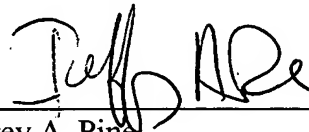
Claims 1-9 and 11 have been amended to recite a method of game play in which different values are given depending on which playing cards are combined. If playing cards containing the same quantity and suit are combined, the value is higher than if playing cards only containing

the same quantity (and different suits) are combined. None of the art cited by the Examiner discloses, teaches or suggests the method of game play as disclosed in the present invention. Further, none of the prior art contains playing cards that when combined result in a card similar to a standard playing card as disclosed in the present invention. As described above, Brown has a quarter-picture of an animal, not an indication of location, and further, Brown does not disclose two playing cards that, when placed together, create a combination that is similar to a standard playing card. Thus, pending Claims 1-9 and 11 are neither anticipated nor made obvious by any of the cited art either alone or in combination with other art, and are in condition for allowance.

Applicants have herein canceled Claims 10 and 12-19 without prejudice, obviating the Examiner's objection to those claims. Applicants have also amended Claims 1-9 and 11, and traversed all of the Examiner's rejections and objections. Applicants' amendments to Claims 1 and 2 further clarify the present invention and obviate the Examiner's Section 112 rejections. Applicant respectfully requests a notice of allowance pertaining to the remaining claims.

If, for any reason, the Examiner is unable to allow the Application and feels that a telephone conference would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned at (312) 673-0360.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey A. Pine", written over a horizontal line.

Jeffrey A. Pine
Registration No. 36,893

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BANIAK PINE & GANNON
150 N. Wacker Drive, Suite 1200
Chicago, Illinois 60606
(312) 673-0630